

EXHIBIT E

Copy of Transcript

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IAN J. BROWN, JAMES BROWN
AND BARBARA BROWN,

Plaintiffs,

VS

CIVIL ACTION NUMBER:
04-11924-RGS

UNITED STATES OF AMERICA,
VERIZON NEW ENGLAND, INC., and
BOSTON EDISON COMPANY d/b/a NSTAR ELECTRIC,

Defendants.

DEPOSITION OF
GORDON EDWARD JOHNSTON

March 1, 2007
10:23 a.m.

Manheimer & Charnas, LLP
210 Commercial Street
Boston, Massachusetts

Ayako Odanaka, Notary Public, Certified Shorthand Reporter and Registered Professional
Reporter within and for the Commonwealth of Massachusetts



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1 A. No.

2 Q. Can we agree, sir, that absent the
3 presence of the guardrail Mr. Brown would
4 not have hit Utility Pole 37?

5 A. I would agree with that.

6 Q. Can we agree that the motorcycle
7 itself never contacted the guardrail?

8 A. I don't know that I agree with
9 that.

10 Q. What part or parts of the
11 motorcycle in your opinion contacted the
12 guardrail?

13 A. What may have contacted the
14 guardrail would be the left front -- right
15 front corner of the front fender.

16 Q. Do you -- is it your opinion that
17 a portion of the right front fender of the
18 motorcycle was damaged or deformed in some
19 way by the guardrail?

20 A. That it may have been.

21 Q. You're not sure?

22 A. I don't know that for a fact.

23 Q. So can you tell us whether in your
24 opinion it's more probable than not that



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62

1 the right front fender of the motorcycle
2 hit the guardrail?

3 A. I think it's greater than 50
4 percent.

5 Q. Can you show us a photograph, sir,
6 of that damage?

7 A. Sure.

8 Q. Thank you.

9 (Witness viewing)

10 A. Be the top photograph.

11 Q. So we don't mark your photographs,
12 can we -- can you pick from this group of
13 color lasers which photograph you're
14 talking about?

15 (Witness complying)

16 A. Again, top photograph.

17 Q. Thank you. Let's have --

18 A. Give this back to you.

19 Q. Thank you, sir.

20 MR. CHARNAS: Let's have two
21 color lasers marked as Exhibit 21.

22 (Exhibit-21, Laser
23 Photographs, marked for identification).

24 ///



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1 finger --

2 Q. Thank you. Is that it?

3 (Witness viewing)

4 A. Yes, sir.

5 Q. Thank you. You've been kind enough
6 to point out to me four photographs which
7 demonstrate the skidding that you're
8 talking about, and what we're going to do
9 is we're going to have them marked 22A, B,
10 C and D.

11 (Exhibit-22A, Photograph;
12 Exhibit-22B, Photograph; Exhibit-22C,
13 Photograph; Exhibit-22D, Photograph, marked
14 for identification).

15 BY MR. CHARNAS:

16 Q. And just so it's clear for the
17 record, the sheet that is Exhibit 22A has
18 two photographs on it. We're only talking
19 about the top photograph, correct?

20 A. On 22A, yes.

21 Q. And on 22D there are also two
22 photographs, we're only talking about the
23 right side photograph, correct?

24 A. Correct.



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